

1 THE HONORABLE BENJAMIN H. SETTLE

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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 OCEANSTAR MARINE CO.,

11 Plaintiff,

12 v.

13 NORVIC SHIPPING INTERNATIONAL
14 LTD. and NORVIC SHIPPING NORTH
15 AMERICA INC.,

16 Defendants.

IN ADMIRALTY

Case No. 3:18-cv-05270-BHS

ORDER APPROVING SUBSTITUTE
SECURITY AND AUTHORIZING
FILING BOND WITH THE COURT

17 Upon the Stipulated Motion of the parties hereto, Plaintiff OCEANSTAR MARINE
18 CO. ("Plaintiff") and Defendant NORVIC SHIPPING INTERNATIONAL LTD.
19 ("Defendant"), for an Order approving substitute security and authorizing filing bond with the
20 Court, and good cause appearing therefore, it is hereby

21 **ORDERED** that the Stipulated Motion for Approval of Substitute Security and
22 Authorization to File Bond with the Court is **GRANTED**; and it is further

23 **ORDERED** that pursuant to Supplemental Rule E(5)(a) and the agreement of the
24 parties, Defendant Norvic Shipping International may file a Special Bond in the amount of
25 US\$595,599.00 as substitute security; and it is further

26 **ORDERED** that Defendant Norvic Shipping International may file a Letter of
Undertaking ("LOU") in the amount of US\$ 250,000.00 as substitute security for costs in the

ORDER APPROVING SUBSTITUTE SECURITY AND
AUTHORIZING FILING BOND WITH THE COURT:
CASE NO. 3:18-CV-05270-BHS - 1

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys at Law
1420 5th Avenue, Suite 3400
Seattle, WA 98101-4010
Telephone: 206.622.1711

1 London Arbitration; and it is further

2 **ORDERED** that the amount of the Special Bond and LOU combined is deemed
3 sufficient to substitute as security for Plaintiff's *in personam* claims in this action against the
4 parties on whose behalf the Special Bond and LOU is posted; and it is further


5 **ORDERED** that upon posting the Special Bond and LOU herein, no further property
6 shall be attached by the U.S. Marshal or any Special Process Server pursuant to the Court's
7 Order Authorizing Issuance of Process of Maritime Attachment and Garnishment (ECF No.
8 10) and Process of Maritime Attachment and Garnishment (ECF No. 12); and it is further

9 **ORDERED** that the Defendant Norvic Shipping International Ltd. agrees to waive the
10 applicability of Western District of Washington Local Rule 54(d)(3)(B) and also to recovery
11 of interest and costs on the LOU; and it is further

12 **ORDERED** that the Special Bond and LOU are given without waiver of or prejudice
13 to Defendant Norvic Shipping International Ltd.'s or Defendants' rights and defenses which
14 are not expressly waived herein, including but not limited to with respect to any issues arising
15 out of the Verified Complaint or otherwise in this action, the underlying claims discussed
16 therein, and the rights or defenses in this action, all of which are expressly reserved.

17 **IT IS SO ORDERED.**

18 Dated this 26 day of September, 2018.

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21 BENJAMIN H. SETTLE
22 United States District Judge
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ORDER APPROVING SUBSTITUTE SECURITY AND
AUTHORIZING FILING BOND WITH THE COURT:
CASE NO. 3:18-CV-05270-BHS - 2

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1 ***Presented by:***

2 SCHWABE, WILLIAMSON & WYATT, P.C.

3 By: /s/ Philip Lempriere

4 Philip Lempriere, WSBA #20304

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10 *Counsel for Defendant Norvic*

11 *Shipping International Ltd.*

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ORDER APPROVING SUBSTITUTE SECURITY AND
AUTHORIZING FILING BOND WITH THE COURT:
CASE NO. 3:18-CV-05270-BHS - 3

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1 CERTIFICATE OF SERVICE

2 I hereby certify that on the 26th day of September, 2018, I caused to be served the
3 foregoing *STIPULATED MOTION FOR APPROVAL OF SUBSTITUTE SECURITY AND*
4 *AUTHORIZATION TO FILE BOND WITH THE COURT* on the following party at the
5 following address via the Court's CM/ECF electronic filing system:

6 Jeremy B. Jones, Esq., WSBA #44138
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18 *Counsel for Claimants Phoebe Owning*
19 *Company Ltd. and TMS Bulkers Ltd.*

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Co-Counsel for Plaintiff

21 /s/ Philip Lempriere
22 Philip Lempriere, WSBA #20304
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CERTIFICATE OF SERVICE - 1

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